



**Report Reference Number: C/19/01**

---

**To: Council**  
**Date: 16 July 2019**  
**Ward(s) Affected: All**  
**Author: Palbinder Mann, Democratic Services Manager**  
**Lead Executive Member: Councillor Mark Crane, Leader of the Council**  
**Lead Officer: Janet Waggott, Chief Executive**

---

**Title:** Appointment of the Monitoring Officer

**Summary:**

Under section 5 of the Local Government and Housing Act 1989, the Council is legally required to appoint a Monitoring Officer and under the Council's Constitution, this decision must be taken by Full Council.

The Council appointed Bernice Elgot as the Council's Monitoring Officer in February 2019 on an interim basis with a view to appointment someone permanent in the role following a recruitment exercise. That recruitment exercise has now been undertaken and Alison Hartley has been appointed as the Council's Solicitor to the Council. Council is therefore asked to appoint Alison Hartley as the Council's Monitoring Officer.

**Recommendations:**

To appoint Alison Hartley as the Council's Monitoring Officer.

**Reasons for recommendation**

To ensure that the Council appoints a Monitoring Officer as per section 5 of the Local Government and Housing Act 1989.

**1. Introduction and background**

- 1.1 Under section 5 of the Local Government and Housing Act 1989, the Council is legally required to appoint a Monitoring Officer and under the Council's Constitution, this decision must be taken by Full Council.
- 1.2 Bernice Elgot was appointed the Council's Monitoring Officer on an interim basis in February 2019 for six months with a view to a permanent appointment being made following a recruitment exercise after this period.

- 1.3 The Council has now carried out the recruitment exercise and has appointed Alison Hartley as the Solicitor to the Council and Council is therefore asked to appoint her as the Monitoring Officer.

## **2. The Report**

- 2.1 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer's responsibilities is outlined under section 11.6 of part two of the Constitution.
- 2.2 Neither the Head of Paid Service nor the Section 151 Officer can hold the position of Monitoring Officer.
- 2.3 The Council recently completed a recruitment exercise where Alison Hartley has been verbally offered the position of Solicitor to the Council. Alison has a wealth of relevant experience including positions as a Solicitor in East Riding Council from 1996 -2013, Senior Solicitor Planning, Licensing and Highways at the City of York from 2013 – July 2018 and most recently has held the position of legal service manager from July 2018 to date at the City of York Council.

## **3. Implications**

### **3.1 Legal Implications**

The Council is required by statute to employ suitably qualified individuals as Head of Paid Service, Section 151 Officer (Chief Finance Officer and Monitoring Officer). The proposed appointment meets those requirements.

### **4.2 Financial Implications**

The proposed appointment of Alison Hartley as Monitoring Officer will be contained within existing budgets.

### **4.3 Policy and Risk Implications**

None

### **4.4 Corporate Plan Implications**

None

### **4.5 Resource Implications**

None

**4.6 Other Implications**

None

**4.7 Equalities Impact Assessment**

None

**5. Conclusion**

The Council is asked to appoint Alison Hartley as the Council's Monitoring Officer.

**6. Background Documents**

None

**7. Appendices**

None

***Contact Officer:***

Palbinder Mann  
Democratic Services Manager  
01757 292207  
[pmann@selby.gov.uk](mailto:pmann@selby.gov.uk)